

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLEVELAND POWELL,

Plaintiff,

Case No. 11-11280

vs.

HON. GEORGE CARAM STEEH

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

_____ /

ORDER GRANTING MOTION TO BAR WITNESSES FROM TRIAL [DOC 58]
AND GRANTING MOTION FOR WITHDRAWAL OF ATTORNEY [DOC. 65]

This matter has come before the court on defendant State Farm's motion to hold Letha Hopkins Powell, McKinley Powell and Joyce Washington in contempt of court for failure to attend depositions. As an alternative to contempt, defendant asks the court to bar the witnesses from testifying at trial. The matter is also before the court on plaintiff's counsel's motion to withdraw as counsel. Counsel and Mr. Powell appeared for a hearing on the two motions on September 27, 2012. For the reasons stated on the record, the court GRANTS the motions as follows:

The court found that the witnesses were aware of their scheduled depositions and evaded attempts to take their depositions in this case. Therefore, the court bars them from testifying as witnesses in a trial on this matter. As the three witnesses are deemed unavailable to testify at trial, it is anticipated that defendant will present statements from some or all of these witnesses, made under oath in this case or in the case McKinley Powell brought against State Farm Insurance. In the event plaintiff is

able to arrange for the named witnesses to appear for their depositions, to be taken in the Theodore Levin United States Courthouse, on multiple dates from which defendant may chose, then the witnesses may be permitted to testify at trial.

As to the motion to withdraw as counsel, the court finds that there has been a breakdown in communication between Mr. Powell and Mr. Shapero. The case is stayed until November 12, 2012 so Mr. Powell may obtain new counsel. If he has not obtained new counsel by that date, Mr. Powell will be deemed to represent himself in this matter. Responses to case evaluation, which has already taken place, are extended until December 10, 2012.

Jury trial in this case is adjourned until February 5, 2013 at 9:00 a.m. The joint final pretrial order is due January 22, 2013, and the final pretrial conference will be held January 28, 2013 at 10:00.

All filings shall be sent to Mr. Powell directly at the following address, unless new counsel files an appearance on his behalf:

Mr. Cleveland Powell
18 Gillespie St.
Pontiac, MI 48341
248-252-5038

Mr. Powell is directed to notify the court if this address or telephone number is incorrect.

It is so ordered.

Dated: September 28, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 28, 2012, by electronic and/or ordinary mail and also to Cleveland Powell at 18 Gillespie Street, Pontiac, MI 48341.

s/Barbara Radke
Deputy Clerk